

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re: : Case No. 13-40091-399

:
Shell J. Sharp, : Chapter 7

:
Debtor. :

:
MICHAEL HOLMES, :

:
Plaintiff, :

:
vs. : Adversary No. 17-04060-399

:
Shell J. Sharp :

:
Defendant. :

: :

**ORDER DENYING PLAINTIFF'S
MOTION TO DISMISS WITHOUT PREJUDICE
AND SCHEDULING ORDER**

Now before the Court is Plaintiff's motion to dismiss this adversary action without prejudice to reinstatement without payment of any further filing fee, and for determination of dischargeability if and when any federal court judgment becomes final. [Dkt. 20]. Upon careful consideration, it is hereby

ORDERED that the motion to dismiss, Dkt. 20, is **DENIED**. It is further

ORDERED that:

1. The trial setting of October 23, 2017, is **VACATED**, subject to being reset by further order of this Court.

2. Counsel for Mr. Holmes shall advise the Court as well as counsel for Sharp, David Gunn, of any developments that transpire in *Michael Holmes v. Bobby Lee Garrett*, No. 17-1309 (8th Cir., pending). Notification shall be a notice filed on the docket of this adversary proceeding, which must be filed within one business day following any such development.
3. Either party, depending on the outcome of the action pending before the Eighth Circuit, may file a motion seeking a ruling based on principles of preclusion.

DATED: October 17, 2017
St. Louis, Missouri

cke


Barry S. Schermer
United States Bankruptcy Judge

Order Prepared By:

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St. Louis, MO 63102

Trustee
Kristin J Conwell
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PO Box 56550
St. Louis, MO 63156

United States Bankruptcy Court
Eastern District of MissouriHolmes,
Plaintiff

Adv. Proc. No. 17-04060-bss

Sharp,
Defendant**CERTIFICATE OF NOTICE**

District/off: 0865-4

User: pass
Form ID: pdfolPage 1 of 1
Total Noticed: 5

Date Rcvd: Oct 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2017.

dft +Sharis R. Sharp, 4324 Beethoven Ave., St. Louis, MO 63116-1512
dft +Shell J. Sharp, 4324 Beethoven Ave, St Louis, MO 63116-1512

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: ustpregion13.sl.ecf@usdoj.gov Oct 18 2017 00:06:24 Office of US Trustee,

ust 111 S Tenth St, Ste 6.353, St. Louis, MO 63102-1127
ust +E-mail/Text: ustpregion13.sl.ecf@usdoj.gov Oct 18 2017 00:06:24 Paul A. Randolph,
Office of U.S. Trustee, 111 S. 10th St., Ste. 6353, St. Louis, MO 63102-1125
ust +E-mail/Text: kconwell@conwellfirm.com Oct 18 2017 00:06:01 Kristin J. Conwell,
PO Box 56550, St. Louis, MO 63156-0550

TOTAL: 3

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2017 at the address(es) listed below:

David B. Owens on behalf of Plaintiff Michael Holmes david@loevy.com,
holmes@loevy.com;anne@loevy.com

David Nelson Gunn on behalf of Defendant Shell J. Sharp generalmail@thebkco.com,
clcstlecf@gmail.com,stlouistbcwam@gmail.com;r51538@notify.bestcase.com

TOTAL: 2